

file#11254/52641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas Hunig

GROUP: 1643

SERIAL NO.: 09/449,077

EXAMINER: N/A

FILED: November 24, 1999

FOR: HUMAN CD28 SPECIFIC MONOCLONAL ANTIBODIES
FOR ANTIGEN-NON-SPECIFIC ACTIVATION OF T-LYMPHOCYTES

Assistant Commissioner for Patents
Washington, D.C. 20231

#6/09
2 referral
Ly +
Hecker Small
Cont'd 2-20-00

Sir:

REQUEST FOR REFUND

Attached is a Verified Statement Claiming Small Entity Status in this application.

This Request for Refund was made within two months of the date a fee was paid in this application, namely on November 24, 1999 in the amount of \$760.00.

The fee paid for which we request a partial refund is the \$760 patent application filing fee.

The total refund requested is \$380.00, reducing the fee to \$380 which is the patent application filing fee for small entities. Please refund overpayment to deposit account number 04-0932.

Respectfully submitted,

Kristin Kohler

Kristin Kohler
Registration No. 41,907
Devine, Millimet & Branch, P.A.
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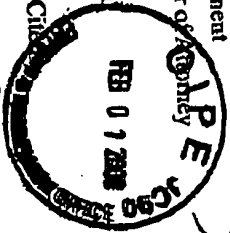
To the Assistant Commissioner of Patents

Washington, D.C. 20231
Box PATENT APP.

Atty POPE
Docket No. 1125415264
Date: 1/20/00

Please confirm receipt of the document(s) checked below by applying your date stamp (and serial no., if applicable)

ALBERT J. JUNG



- Patent Application: _____ pgs/spec; _____ pgs/dm; _____ pgs/dwgs; _____ pgs/abs
- Application Transmittal
- Response and Amendment
- Declaration and Power of Attorney
- Assignment
- Small Entity Statement
- Form PTO-1449
- Copies of References Cited
- Information Disclosure Statement
- Amendment Transmittal
- Form PTO 1595
- Other Request for Return

check
Date: 1/24/00

Ser/Reg. No. 2914491077

Date Rec'd:

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PROFESSIONAL ASSOCIATION • ATTORNEYS AT LAW

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**FAX TRANSMITTAL
COVER SHEET
TELECOPIER NUMBER (603) 695-8611**

Date: May 5, 2000

**NUMBER OF PAGES BEING TRANSMITTED:
(INCLUDING THIS COVER PAGE)** 7

DELIVER TO: Freda Connelly - 703-308-5077

FROM: Laura S. Kaplan

TELECOPIER PHONE NUMBER: (603) 695-8611

Please see attached copy of Refund Request filed 1/20/00.

THIS FAX WILL WILL NOT BE FOLLOWED BY A MAILED COPY.

CLIENT/CASE NUMBERS: 11254

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May 5, 2000

VIA FACSIMILE: 703-305-4229
Freda Connelly
Box 16 - Refund Section
United States Patent and Trademark Office
Washington D.C. 20231

RE: Refund Request

Dear Ms. Connelly:

Enclosed please find a copy of the refund request which we filed for Patent Application Number 09/449,077 on January 20, 2000. Also attached please find a copy of the Small Entity Statement which we filed along with the Refund Request and a copy of the date stamped postcard evidencing receipt of the Refund Request.

Please give me a call if you have any questions in connection with this matter.
Thank you for your attention to this matter.

Very truly yours,

Laura S. Kaplan
Laura S. Kaplan
Paralegal

Enclosure

cc: Paul C. Remus

William J. Murphy
Of Counsel

File# 11254/52641
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Thomas Hunig**

Serial No.: **09/449,077**

Filed: **November 24, 1999**

Group No.: **1643**

For: **HUMAN CD28 SPECIFIC MONOCLONAL ANTIBODIES FOR
ANTIGEN-NON-SPECIFIC ACTIVATION OF T-LYMPHOCYTES**

**Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231**

TRANSMITTAL

- 1. Transmitted herewith is a Verified Statement Claiming Small Entity Status;
- 2. A Request for Refund; and
- 3. A self-addressed, prepaid return postcard.

STATUS

- 2. Applicant is
 - a small entity - verified statement:
 - attached.
 - already filed.
 - other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Laura S. Kaplan
(Type or print name of person mailing letter)

Date: 11/20/00

Laura S. Kaplan
(Signature of person mailing paper)

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS

Applicant: Prof. Dr. Thomas Hunig

Application Filed: Herewith

For: HUMAN CD28 SPECIFIC MONOCLONAL ANTIBODIES FOR
ANTIGEN-NON-SPECIFIC ACTIVATION OF T-LYMPHOCYTES

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

THE UNDERSIGNED DECLARE(S):

Exclusive rights in the above-identified invention reside in the "small entity(ies)" defined and named below, and "small entity" fees are appropriate. Qualification as a small entity is based upon the appropriately checked statements below:

 INDEPENDENT INVENTOR(S)

The below-signing independent inventor(s) has (have) not assigned, granted, conveyed or licensed, and is (are) under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not likewise be classified as an independent inventor under 37 CFR 1.9(c) if that person has made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

 SMALL BUSINESS CONCERN

The below-identified small business concern qualifies as a small business as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, in that the number of employees, including those of its affiliates, which does not exceed 500 persons, and it has not assigned, granted, conveyed or licensed, and is under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(a) or a nonprofit organization under 37 CFR 1.9(e).

Concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

J: 29

+49-38-28305225

A, L&J. BERLIN

NONPROFIT ORGANIZATION (Check additional applicable box.)

The below-identified nonprofit organization qualifies as a small entity under 37 CFR 1.9(e) in that it constitutes:

- 1. a university or other institution of higher education located in any country; or
- 2. an organization of the type described in Section 501 (c) (3) of the Internal Revenue Code of 1954 (26 USC 501(c) (3)) and exempt from taxation under Section 501 (a) of the Internal Revenue Code (26 USC 501(a)); or
- 3. any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of the United States (35 USC 201 (i)); or
- 4. any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e) (2) or (3) of Rule 1.9 if it were located in the United States.

The undersigned acknowledge(s) the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

The below signing individual(s) hereby declare(s) that (he, she, they) are authorized to execute this statement on behalf of the small entity; that all the statements made herein of (his, her, their) own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Small Entity: Prof. Dr. Thomas Hunig

Address of Small Entity: (Street, City, State or Country, Zip Code) Mislere Heerbergstr. 26, D-97078

Wurzburg, Deutschland

Name of Person Signing: Prof. Dr. Thomas Hunig

Title of Person Signing: Inventor

Signature: _____

Thomas Hunig

Date Signed: Nov 23, 99